

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/693,607
Applicant	:	Brian E. Le Gette, et al.
Filed	:	October 27, 2003
TC/A.U.	:	3765
Examiner	:	Sutton, Andrew W.
Confirmation No.	:	6475
Docket No.	:	0100.0020C1
Title	:	EAR WARMER HAVING A CURVED EAR PORTION

Mail Box Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

CONCISE EXPLANATION OF RELEVANCE

The following explanations are provided in accordance with 37 C.F.R. § 1.98(a)(3)(i). The Applicants note that most of the explanations included below are based on machine translations of the native language abstracts and/or a review of one or more figures contained in the cited information.

Chinese Publication 2291138

Chinese Publication 2291138, published September 16, 1998, appears to disclose a means (11) for coupling an ear covering device (13) to a band (12). In FIG. 2, the means for coupling appears to include a clip (23) and a pin (21).

French Publication 1353524

French Publication 1353524, published January 20, 1964, appears to disclose a method of manufacturing a hair-band having varying widths. The disclosed hair-band consists of a tubular knitting including a number of meshes constant in width. The hair-band is further flattened and closed again on itself by seam, and which presents in two opposite areas of the widened portions to cover the ears.

French Publication 2538204

French Publication 2538204, published June 22, 1984, appears to disclose an enveloping device for earpieces. The device according to the invention fits easily onto the earpiece, keeping the ears warm whilst preserving perfect audibility. It consists of a sleeve 1 having a flat face, ear side, and an outwardly domed face enabling the earpiece 7 to be accommodated. An opening 4, into which the earpiece 7 is inserted, is made therein. It is shrouded in an enveloping cover 5. The device according to the invention is particularly intended to fit onto earpieces which can be carried outdoors.

German Publication 2516709

German Publication 2516709, published October 28, 1976, appears to disclose an ear protection device having a band (5) to which an ear cap (1) is attached. The ear cap (1) is attached by a ball (6) that fits into a drilling (8) in the rear wall of the ear cap (1).

German Publication 29800973

German Publication 29800973, published March 12, 1998, appears to disclose a motorcycle helmet (1) that includes noise control caps (9). The noise control caps (9) are movable in the direction of the ears of the user to and away from the user's ears.

German Publication 29812652

German Publication 29812652, published March 25, 1999, appears to disclose a device (1) for protecting a user's ear against discoloration during hair dying. The device includes a base (3), which encloses a transmitting room (5) for the admission of the ear and for the execution of the ear via an opening (9).

German Publication 3231218

German Publication 3231218, published February 23, 1984, appears to disclose headphones with a bracket construction which provides the headphones with a symmetrical form even when the headphone earpieces are positioned asymmetrically at the ends of the bracket, thus ensuring even pressure against the ears of a user. According to the invention, the resilient bracket is designed in a circular form in the rest position and arc-shaped bracket end pieces are formed with the same radius as that of the bracket, enclosing the bracket ends, and are disposed in such a way that their position can be adjusted on the bracket.

German Publication 4422767

German Publication 4422767, published January 11, 1996, appears to disclose a strap for a set of ear muffs. The head strap has two curved strap elements (3,4) lying against each other. Each element (3,4) has an earpiece movably arranged at the ear end (5,6). The strap also has at least one shell element engaging the strap elements (3,4). A holder element (13) is provided on at least a first strap element (3), which also lies on the reverse side (17) of the other strap element (4). The second element (4) may have a slot (20) and the first element (3) may have a holder element (13) which fits in the slot (20) and is guided along the slot (20). The holder element (13) may be a narrow projection which engages in the slot (20).

Japanese Publication 60-29141

Japanese Publication 60-29141, published February 27, 1982, appears to disclose an ear warmer (1) that includes a band (5), ear portions (2) and a tie strap (4). The ear portions include snap connectors (3) that mate with snap connectors (7) such that the ear warmer can be fastened to a cap (6).

Japanese Publication 62-21016

Japanese Publication 62-21016, published February 7, 1987, appears to disclose a head phone that includes a band (3) having two ear pieces (1). The outwardly facing portion of the ear pieces (1) include an opening (13) in which a speaker (20) is disposed.

Japanese Publication 63-20232

Japanese Publication 63-20232, published June 6, 1988, appears to disclose an ear warmer (1) that includes a band (3) having two ear pieces (5). The ear pieces are mounted via bracket (4) having an opening (6) positioned such that the ear pieces pivot.

Japanese Publication 58-15618

Japanese Publication 58-15618, published January 1, 1983, appears to disclose an ear protection device that includes a band (1) having two ear pieces (2). The ear pieces are swivel mounted to the band via mounting piece (3), which is disposed in mating slot (9) on the band.

Japanese Publication 59-129815

Japanese Publication 59-129815, published August 31, 1984, appears to disclose head band that includes a band (2), two ear pieces (1) and decorative "animal-like" ear protrusions (3).

Japanese Publication 47-19024

Japanese Publication 47-19024, published November 2, 1972, appears to disclose an adjustable headband having a band (1) and two adjustment pieces (2). The adjustment pieces (2) have a slot (6) that receives the end portion of the band (1).

Japanese Publication 48-75626

Japanese Publication 48-75626, published September 19, 1973, appears to disclose an ear protection device having a band (2) attached to two ear cups (3). The band (2) includes two pieces (a,b) that are coupled together by two pins (6,7) and mating slots (4,5).

Japanese Publication 53-143627

Japanese Publication 53-143627, published November 13, 1978, appears to disclose an ear protection device having a band (3) that includes a central piece (1) and two adjustable pieces (2) and two ear cups (4). The adjustable pieces (2) include a slot (14). The adjustable pieces are coupled to the central piece by fasteners (15, 16) and to the ear cups.

Japanese Publication 57-11884

Japanese Publication 57-11884, published January 21, 1982, appears to disclose an ear protection device having a band (1) and two ear cups (2,3). The band (1) includes a central portion (11) having a slot (15) and two adjustable pieces (12), each including a slot (15). The adjustable pieces are coupled to the central portion by pins (16) and to the ear cups via an attachment slot (20).

Japanese Publication 58-138484

Japanese Publication 58-138484, published September 17, 1983, appears to disclose a foldable ear covering device that includes a band (1) to which ear pieces (5, 6) are attached. The band (1) includes a first portion (A1) and a second portion (A2) that are pivotably coupled about point C, such that the band can be folded.

Swiss Publication 294003

Swiss Publication 294003, published January 4, 1954, appears to disclose an ear muff frame that includes two bands (6, 6) and two ear pieces (2, 2). The two bands (6, 6) appear to be movably connected to each other. Two fabric members (1, 1) appear to be mountable on the ear pieces (2, 2).

Korean Publication 10-0703878

Korean Publication 10-0703878, published April 6, 2007, appears to disclose an ear warmer with a band that has two ear pieces (5, 5) slidably coupled thereto. A connector (4) on an ear piece (5) can be inserted into an enlarged end (2) of a slot (1) formed in the band. This publication also discloses a band (10) with two ear pieces (20, 20) slidably coupled thereto.

Dated: September 22, 2008

Respectfully submitted by:

EDELL, SHAPIRO & FINNAN, LLC
CUSTOMER NO. 27896
1901 Research Boulevard, Suite 400
Rockville, MD 20850
(301) 424-3640

/ Thomas W. Lynch /
Thomas W. Lynch
Reg. No. 42,820